

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) No. 08 C 725
)
)
) Judge Amy St. Eve
v.)
)
ONE CITYWIDE TITLE CORPORATION)
CHECK IN THE AMOUNT OF \$15,757.25)
MADE PAYABLE TO SMITH ORTIZ)
FINANCIAL INC.)
)
Defendant)

**MOTION OF THE UNITED STATES OF AMERICA
FOR ENTRY OF A DEFAULT DECREE OF FORFEITURE**

The United States of America, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, moves this court for the entry of a default decree of forfeiture. In support of this motion, the United States of America states as follows:

1. On February 1, 2008, the United States filed a verified complaint seeking forfeiture of one Citywide Title Corporation check in the amount of \$15,757.25 made payable to Smith-Ortiz Financial Inc., pursuant to 18 U.S.C. § 981(a)(1)(C).
2. On the same date, the court issued a warrant of seizure and monition to be executed by the United States Marshal Service against the defendant funds.
3. On February 15, 2008, the United States Marshal executed the warrant of arrest in rem and personally served the defendant funds.
4. The United States gave notice of this action to all known potential claimants and record owners by certified mail including Milan Mijalovic and Ted Smith at their last known addresses. (A copy of the certificate of service is attached as Exhibit A.)

5. Pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty and Maritime Claims for Forfeiture Actions, the United States Marshals Service published notice once beginning and ending on February 11, 2008, in the *Chicago Tribune*, directing that any claim be filed within 30 days of notice or the last date of publication and any answer be filed within 20 days of the filing of the claim. (A copy of the certificate of publication filed with the Clerk of the Court is attached as Exhibit B.)

6. To date, no claim or answer has been filed for the defendant funds and the time for filing such a claim, answer or other responsive pleading has since expired under applicable law.

7. Based on the verified complaint for forfeiture and the attached affidavit of Inspector Laura Mahlke of the United States Postal Inspection Service, the United States has established that one Citywide Title Corporation check in the amount of \$15,757.25 made payable to Smith-Ortiz Financial Inc. is property which represents or is traceable to the gross proceeds obtained directly or indirectly from a violation of 18 U.S.C. § 1343, and is therefore forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(C).

WHEREFORE, the United States of America requests that this court enter a default decree of forfeiture in favor of the United States of America and against the defendant funds. A draft order is submitted herewith.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/Daniel E. May
DANIEL E. MAY
Assistant United States Attorney
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 353-5300